

Date Rec'd: _____
Rev: 022113



CITY OF CHICOPEE, MASSACHUSETTS

MUNICIPAL POLICIES FOR EMPLOYEES

All employees must read and review these policies and sign the final page confirming that they have received this material. The final page must be submitted to Human Resources and kept on file indefinitely.

Workplace Conduct Guidelines

All employees are to adhere to these standards. Any failure will be cause for disciplinary action that could include verbal or written warning, suspension, demotion, or termination.

All supervisors who witness a deviation, but fail to address the issue with their employee, will also be subject to disciplinary actions that could include verbal or written warning, suspension, demotion or termination.

The following list of “minimum requirements” supplements all other policies, directives, regulations, collective bargaining agreements, etc:

1. Employees should make every effort to refrain from swearing or using profane language. Any abusive language will not be tolerated.
2. No speaking about, or referencing, any private body parts, or body functions in an offensive manner. An offended employee is encouraged to notify the speaker of their discomfort.
3. Unless in an emergency situation, no urination or defecation in any location not authorized by public health standards. (Use bathrooms only)
4. No derogatory references are to be made regarding race, creed, religion, sexual orientation, gender at any time.
5. Workers do not have to like a coworker; but everyone must always treat all coworkers with respect. All workers must work in a professional and courteous manner with any worker assigned to them. Workers do not get choice of work partners. Please bring specific concerns to your supervisor's attention.

6. No speaking in loud or abusive or derogatory manner toward a coworker.
7. No throwing or slamming of any tools, equipment or materials at any time.
8. Employees are encouraged to leave their personal problems at home, not discuss them with co-workers. An employee should inform a co-worker when the topic changes to an issue that they are not comfortable with.
9. No threats are to be made, written or implied, to any coworker. Any worker who has a problem with a coworker is to present the problem immediately to their immediate supervisor, or department head. If the complaint is not resolved informally, the complaining employee will be given the choice of filing a formal written complaint/grievance (with Human Resources or the UFCW), or allowing the issue to "die".
10. Threatening a coworker with a complaint, or any retribution against a complaining employee will not be tolerated.
11. Complaints and concerns should be dealt with in a timely manner, while the circumstances are still "fresh".
12. No pushing, shoving, hitting, or inappropriate/un-welcomed touching of any coworker is allowed.
13. Unprofessional comments about the personal appearance of coworkers or members of the general public are not appropriate.
14. All vehicles must be driven in a safe, professional and courteous manner (in accordance with all traffic laws and regulations).
15. No hazing, or mean-spirited practical jokes, or pranks. Employees are encouraged to report pranks that embarrass or offend them.

Smoking

In keeping with the City of Chicopee's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In addition, smoking is not allowed in City vehicles. In situations where the preferences of smokers and non-smokers are in direct conflict, the preferences of non-smokers will prevail.

This policy applies equally to all employees, customers and visitors.

In an effort to provide all City of Chicopee employees with a safe, healthy and smoke-free working environment, the City of Chicopee has established uniform disciplinary procedures for its Administrative and Labor units violating our municipal non-smoking policy. This policy applies to anyone found smoking in a municipal building or in a municipal vehicle.

- 1st Offense** – one (1) day suspension
- 2nd Offense** – five (5) day suspension
- 3rd Offense** - Termination

Any intentional, wanton and reckless violation of the smoking policy with the intent of irritating, annoying, harassing or intimidating a fellow employee will automatically move to the 2nd Offense step of this policy; 5 day suspension. A second violation will result in termination.

Workplace Violence Prevention

The City of Chicopee is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City of Chicopee has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited from the premises of the City of Chicopee.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual’s sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

The city of Chicopee will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City of Chicopee may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City of Chicopee encourages employees to bring their disputes of differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. The City of Chicopee is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

Changes to Insurance

Changes to enrollment status must occur within 30 days of a qualifying event or change in family status (including but not limited to marriage, divorce, death of a spouse or child, birth or adoption of a child, termination or commencement of employment of a spouse, or such other events as the City of Chicopee Plan Administrator determines will permit a change in enrollment status).

Sexual Harassment Policy

It is the policy of the City of Chicopee to maintain a non-hostile working environment free from all forms of sexual harassment or intimidation. Sexual harassment in any form is unlawful and will not be tolerated by the City. Any employee who violates this policy will be subject to disciplinary action up to, and including, termination. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated and will lead to disciplinary action up to, and including, termination.

The Range of Policy: This policy applies to all employees of the City, at all time, regardless if they are involved in work-related activities on or off City owned premises.

Sexual harassment is a form of behavior which fundamentally undermines the integrity of employment relationships. It includes, but is not limited to:

- Solicitation of sexual favors as a condition of employment or continued employment, giving something in return for sexual favors.
- Solicitation of sexual favors as a basis or requirement for promotion, transfer, or other employment conditions.

- Solicited or unsolicited verbal, non-verbal, and/or physical conduct and/or innuendoes of a sexual nature which have the purpose or effect of substantially interfering with an individual's work performance or which creates an intimidating, hostile, and/or offensive work environment.

Harassment: Harassment may be defined as the display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, religious or other protected groups; verbal abuse or insults related to protected characteristics (e.g. age, race, color, national origin, religion, sex, sexual orientation, marital status); verbal or physical conduct that is sexual in nature; and quid-pro-quo sexual harassment.

Unreasonable Conduct: Unreasonable conduct may be defined as conduct which is discriminatory, harassing, or which creates a hostile environment.

Discrimination: Employment decisions implicitly or explicitly based on protected characteristics of employment (e.g. sex, age, race, color, national origin, and persons with a disability, religion or sexual orientation) rather than job-related consideration.

Hostile Environment: Conduct that has the purpose or effect of unreasonably interfering with a person's job performance or which creates an intimidating or offensive work environment.

Quid-Pro-Quo Harassment (Something for Something): Making submission to sexual demands an implicit or explicit term or condition of employment, and/or making decisions affecting someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

Unwelcome Behavior: Conduct that the employee did not solicit or invite and that the employee regards as undesirable or offensive.

Supervisor's Responsibilities: Supervisors should ensure that all employees refrain from all forms of discrimination or harassment at all times. In fulfilling their obligation to maintain a positive and productive work environment, supervisors are expected to:

- Immediately halt any harassment of which they become aware by emphasizing this policy and, when necessary, by more direct disciplinary action (i.e. verbal warning, written warning), and
- Document all disciplinary action taken and complaints regarding sexual harassment including verbal warnings, etc. A copy of the documents must be forwarded to the Human Resources Director.

If harassment activity continues, management personnel should file a formal complaint regarding the conduct with the Human Resources Director. The Human Resources Director will make every reasonable effort to determine the facts and resolve the situation and take the necessary disciplinary action.

Employee's Responsibilities: Each employee is personally responsible for:

- Ensuring that he/she does not sexually harass any other employee, applicant for employment, or other individual in the workplace.
- Cooperating in the investigation of complaints of alleged sexual harassment by providing any information he/she possesses concerning the matters being investigated.
- Otherwise cooperating with the Department's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

Reporting Procedures: Upon receipt of the complaint the City will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview of all parties. Upon completion of the investigation, the City will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Employees who believe they are the subject of sexual harassment should immediately report the conduct to their Supervisor and/or to the Human Resources Department (if the Supervisor is unavailable), and the Supervisor shall be responsible for promoting awareness of the City's Sexual Harassment Policy and related issues, and shall be available to all staff to receive reports of sexual harassment, and to help facilitate pursuant investigations. The Supervisor must make Human Resources aware of any and all filed complaints, either written or verbal, immediately upon receipt. If the Supervisor is the source of the harassment, then the employee should report the alleged harassment directly to Human Resources. If the Human Resources Department is the source of the alleged harassment, the employee should report the problem to the Mayor.

A written complaint should state:

- Nature of the Claim
- Names of the parties involved
- Potential witnesses
- Relief requested

All reports of harassment will be investigated promptly, in an impartial manner and as confidential a manner as possible, under the supervision of the Human Resources Department, to ensure prompt and appropriate action.

Action to be taken is:

- Meetings to be held to discuss complaint
- Formal investigation

- Written agreement of resolution

If an employee is not satisfied with the handling of a report or action taken, then the employee may file a written complaint with the Mayor.

Once the Mayor has received a written complaint, he/she will convene a meeting to discuss the complaint with the employee. Appropriate action will be taken to investigate the complaint, including taking the matter to the Law Department, if necessary, for further investigation. Thereafter, proposed relief and discipline would be presented.

Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

If he/she is dissatisfied with the proposed relief, he/she may file a written complaint with a state or federal agency responsible for enforcing sexual harassment. The addresses are listed below;

Massachusetts Commission Against Discrimination
436 Dwight Street
Springfield, MA 01103

Equal Employment Opportunity Counsel
One Congress Street , Room 1001
Boston, MA 02114

United States Attorney
1550 Main Street
Springfield, MA 01103

Confidentiality: The City will maintain the confidentiality of the allegations of the complaint, the complainant and the alleged harasser to the extent practical without handicapping the City's ability to perform an investigation.

Sanctions: Person(s) found in violation of this policy may be subject to any or all of the following disciplinary actions:

- Counseling for the offender and implementation of disciplinary steps. Further information on this section may be discussed with Human Resources.
- Transfer of victim/offender to another division or department.
- Suspension based on civil service guidelines.
- Discharge for cause.

Bullying and Harassment Policy

The City of Chicopee and its employees agree that mutual respect between and among Department Heads, elected officials, employees, managers, vendors, contractors, members of the public and other employees are integral to the efficient conduct of the City of Chicopee's business. Behaviors that contribute to a hostile, humiliating or intimidating work environment, including abusive language or behavior, are unacceptable and will not be tolerated.

Harassment: Oral, written, graphic, electronic or physical conduct intended to cause tangible harm to another employee with malice, that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in their normal working environment by creating a hostile, humiliating, intimidating or offensive workplace environment.

Bullying: Abusive conduct with malice, including acts, omissions, or both, that a reasonable person would find hostile, based on the severity, nature and frequency of the aggressor's conduct. Abusive conduct may include, but is not limited to: repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct of a threatening, intimidating, or humiliating nature; the sabotage or undermining of an employee's work performance; or attempts to exploit an employee's known psychological or physical vulnerability. A single act normally will not constitute abusive conduct, but an especially severe and egregious act may meet this standard.

The definitions of Harassment and Bullying are not exclusive of each other.

Malice: The desire to cause pain, injury, or distress to another.

Bullying conduct may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors
- Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property
- Telling degrading or offensive jokes
- Unwanted physical contact of any kind
- Physical violence, threats of bodily harm, physical intimidation, or stalking
- Threatening letters, emails, instant message, or websites that come within the scope of the City of Chicopee's disciplinary authority
- Effacing, damaging or destroying City or another's property

Responsibility of all Employees: Each member of the City of Chicopee workforce is personally responsible for ensuring that his/her conduct does not in any way harass or bully against any other person that he/she has contact with in the performance of

his/her duties or while acting within the scope of their employment. In addition, each employee is required to fully cooperate in any investigation of alleged harassment and bullying. Further, employees have an obligation to their fellow employees to intervene and stop any harassment and bullying they witness and to immediately report to the appropriate party instances of bullying and harassment.

Designated Officials for Addressing Harassment and Bullying Complaints: In each Department or building, the Department Head is responsible for receiving reports and complaints of violations of this policy at the initial level. Individuals may file a report or complaint with the Department Head, or if the complaint involves a supervisor or Department Head, to Human Resources. When a complaint has been filed, the Department Head must immediately make Human Resources aware of the complaint.

Procedure for Reporting: The following complaint procedure has been established to ensure prompt and effective investigation into allegations of harassment and bullying.

Any person who believes that he or she has been harassed or bullied may, to the extent they feel comfortable, immediately:

- Confront the harasser(s) or person believed to be harassing;
- State the conduct that he/she objects to;
- Indicate that he/she finds such conduct offensive, intimidating, objectionable, embarrassing, etc.;
- Insist that the person(s) engaged in the conduct stop it immediately;
- Report the conduct immediately to your Department Head or Human Resources

If the individual with the concern is not comfortable with such confrontation, or feels that such a confrontation is unsafe and/or inappropriate, he/she should instead report the situation to the Department Head or Human Resources. Reports/complaints are to be filed within ninety (90) days after the conduct complained of occurred or within the time the individual reasonably becomes aware of the conduct. The report should be written and consist of the following:

1. The specific conduct objected to,
2. The date(s) and time(s) such conduct took place,
3. The name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. The location where the conduct occurred,
5. Names of any witnesses,
6. Action sought to remedy the situation,
7. Any other details or information requested by the designated official.

Upon receipt of the complaint the City will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to

maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview of all parties. Upon completion of the investigation, the City will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If an employee is not satisfied with the handling of a report or action taken, then the employee may file a written complaint with the Mayor.

Once the Mayor has received a written complaint, he/she will convene a meeting to discuss the complaint with the employee. Appropriate action will be taken to investigate the complaint, including taking the matter to the Law Department, if necessary, for further investigation. Thereafter, proposed relief and discipline would be presented.

Retaliation: It will be a violation of this policy for any employee to retaliate in any manner against an employee or citizen who has opposed any behavior that would include harassment or bullying, or who has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. It will also be a violation of this policy that any person assisting directly or indirectly to obstruct an investigation or prevent a person from going forward with a complaint.

Consequences of Violating Policy – Discipline and Discharge: Any employee who violates this policy will be subject to disciplinary action, up to and including termination. In appropriate circumstances, the City may also refer the matter to law enforcement officials for possible prosecution.

Confidentiality: Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with the investigation of any complaint under this policy.

Acceptable Use of City Technology Resources

1.0 Purpose of policy

The purpose of this policy is to:

1.1 Protect the City's reputation and ensure responsible use of taxpayer dollars;

1.2 Describe what The City of Chicopee (sometimes referred to here as "The City" or "City") expects regarding acceptable uses of City technology resources;

1.3 Protect the interests of both The City of Chicopee and City technology resource users by providing a standard by which questions of acceptable technology resource use may be gauged;

1.4 Provide principles, guidelines and information regarding the use of technology resources;

1.5 Provide examples of acceptable and unacceptable uses of City technology resources. The examples are not intended to be exhaustive.

2.0 Statement of policy

Technology resources are provided to improve productivity of City business activities and enhance the effectiveness of communication.

Technology resource users are required to use technology resources in an acceptable manner as defined in this policy.

Any use of The City's technology resources that breaches this policy will be considered misconduct and will be reviewed. This may result in disciplinary steps being taken against the technology resource user, up to and including dismissal from employment, seeking restitution, commencement of civil action, criminal prosecution or any combination thereof.

Technology resource users are deemed to have given consent to this policy by their continued use of City technology resources.

3.0 Definitions

3.1 Technology resources: Technology resources include but are not limited to:

3.1(a) Desktop, notebook, tablet, computing devices and related peripherals (e.g. printers, scanners, etc.);

3.1(b) Internet and e-mail systems;

3.1(c) Electronic data transmission equipment, devices and networks;

3.1(d) Business systems, office productivity systems, utility and other City managed software;

3.1(e) All types of telephone, cellular telephone, smart phones, radio and other audio/voice communication equipment, devices and networks;

3.1(f) Consumable goods used in the operation of these resources including, but not limited to flash drives, removable drives, diskettes, CDs, tape media, paper, etc.;

3.1(g) Data, information and other work products (e.g. computer programs, databases, spreadsheets, etc.) created/maintained in using these resources.

3.2 Technology resource users: With the exception of Chicopee Police Department Criminal Justice Information System (CJIS), LEEPS, and Criminal Offender Record Information System (CORI) server, technology resource users include but are not limited to City of Chicopee employees, vendors, contractors, consultants and any other individuals with authorized access to and use of City technology resources.

3.3 Misconduct: Any use of The City's technology resources that breach this policy.

3.4 Ownership: All technology resources acquired and managed by The City (hereinafter referred to as "City technology resources"), and the data, information and the work product (e.g. programs, databases, spreadsheets, etc.) created, received/downloaded from external sources and/or modified in the use of such resources, belong to The City of Chicopee.

4.0 Guidelines for use of technology resources

4.1 General principles

4.1(a) Use: City technology resources must be used only for their intended purpose, as described in the guidelines for use related to this policy.

4.1(b) Complying with existing laws and City policies: Technology resources must be used in activities in compliance with all applicable laws or regulations, including without limitation: those at the federal level, state level, municipal level; those by way of international treaties; those of any foreign jurisdiction with authority; and those civil laws in force between vendor and purchaser of technology resources, and any and all City policies.

4.1(e) Safeguarding data and information: City technology resources are to be used in a manner that safeguards the integrity and accessibility of data, information and the work product (e.g. programs, databases, spreadsheets, etc.) created, received/downloaded from external sources, and/or modified in the use of such resources.

4.1(f) Monitoring: The City of Chicopee reserves the right to monitor, access, assess and audit the use of any and all City technology resources. The City also reserves the right to remove, delete, confiscate or alter any data, information and other work products (e.g. programs, databases, spreadsheets, etc.) found to be in violation of this policy.

4.2 Use of City technology resources for personal purposes

Occasional or incidental personal use of City technology resources, including the City access to the Internet and e-mail system is permitted provided such use does not:

4.2(a) Violate any aspect of this policy;

4.2(b) Adversely affect the availability of City technology resources for The City's business purposes;

4.2(c) Adversely affect an individual's performance of work duties and responsibilities, or adversely impact work time;

4.2(d) Include business activities (i.e. profit and not-for-profit) unrelated to municipal services except as permitted in 4.3;

4.2(e) Include accessing information for personal gain or advantage that the average citizen could not obtain from The City.

4.3 Use of City technology resources for outside activities

The City encourages each employee to undertake the responsibilities of service and citizenship in his or her community, but not to make use of City time or resources for such activities without the prior agreement of the Mayor or his designee. Service and citizenship may include, but not be limited to, such activities as involvement with charitable, political, community service and professional organizations.

4.4 Internet (Web), City Wide Area Network, access with City technology resources

The City has methods and mechanisms in place that monitor and record all Internet use, and The City reserves the right to do so at any time. No technology resource user should expect privacy as to his or her Internet use. Internet activity may be reviewed at management discretion.

Access to the Internet is provided to technology resource users to enable them to carry out their job responsibilities. City technology resource users are expected to use Internet access for conducting City business activities.

4.4(a) It is a breach of this policy to purposely access any Web site that contains any form of material of a nature that is pornographic, sexual, or erotic; that is obscene, lewd, or offensive; or that promotes violence, hatred, abuse neglect or harassment;

In this context, "pornographic, sexual or erotic" can include but is not limited to, all forms and degrees of nudity, whether complete, partial, scantily attired, veiled or

otherwise suggested; depictions of sexual activity; any images or text that are explicit or suggestive in nature.

4.4(b) It is a breach of this policy to purposely access any Web site for the non business purposes of, but not limited to, posting personal messages on Internet e-mail services (e.g. Gmail.com, Yahoo.com, etc.), chat rooms, newsgroups, and messaging services (e.g. MSN Messenger). It is also unacceptable to access/receive streaming audio/video files, dating services, escort services, Internet gaming, gambling and other types of personal referral services for purposes unrelated to City business.

The City continuously monitors its technology systems to be alerted to possible system risks and to assess policy compliance. Information technology will be used to monitor all Internet use and block access to some Web sites clearly not in keeping with this policy. Individual City technology resource users will be notified if their attempts to access blocked sites appear on City Internet logs.

4.5 Electronic mail (e-mail) using City technology resources

The City's e-mail service is provided to communicate messages and attach electronic files for electronic distribution via the Internet and intranet (internal network) for City business purposes.

Incoming and outgoing e-mail messages may be reviewed, disclosed, accessed or monitored at the sole discretion of management, in the ordinary course of its business, at any time, with or without notice, and notwithstanding any password.

No technology resource user should expect privacy as to his or her e-mail use.

The City reserves the right to restrict or prohibit access to certain Internet e-mail sites (e.g. Gmail.com, Yahoo.com, etc.). Prohibited use of these e-mail sites includes but is not limited to: accessing from and redirecting City e-mail to these Internet e-mail sites and related services.

The City of Chicopee's electronic mail system must not be used to:

4.5(a) Transmit or circulate any message that is threatening, offensive, obscene, intimidating, and abusive or is contrary to any applicable statute or is wrongful in common law, to any recipient inside or outside of The City of Chicopee. Among those that are considered offensive include but are not limited to messages or material of a nature that is pornographic, sexual or erotic (as defined in Section 4.4(a) of this policy); that is obscene, lewd, or offensive; that promotes violence, hatred, abuse, neglect or harassment; or that contains racial or ethnic slurs or other comments that offensively address someone's age, sex, sexual orientation, religion, national origin, ancestry, disability or intelligence. In addition, the e-mail system must not be used to

communicate other unacceptable messages, for example, messages or material that is defamatory, derogatory, obscene, or otherwise inappropriate;

4.5(b) Commit any crime, including but not limited to sending obscene e-mails over the Internet with the intent to annoy, abuse, threaten or harass another person;

4.5(c) Forward inappropriate e-mail, graphics and sound files;

4.5(d) Transmit confidential or personal information without authorization and appropriate security;

4.5(e) Initiate or propagate electronic chain letters or send unsolicited information not related to City business activity ("spam");

4.5(f) Forge communications to make them appear to originate from another person;

4.5(g) Attempt to monitor or tamper with another user's electronic communications;
or

4.5(h) Use abusive or otherwise objectionable language in either public or private messages.

4.6 Unacceptable uses of City technology resources

In addition to specific examples outlined in other sections of this policy, unacceptable use of City technology resources includes, but is not limited to, knowingly or intentionally doing or allowing any of the following:

4.6(a) Accessing, displaying, uploading, downloading, viewing, reading, transmitting, circulating, saving, storing, distributing or possessing any form of material of a nature that is pornographic, sexual or erotic (as defined in Section 4.4(a) of this policy); that is obscene, lewd, or offensive; or that promotes violence, hatred, abuse, neglect or harassment;

4.6(b) Misrepresenting or hiding the user's electronic identity;

4.6(c) Accessing someone else's computer account without proper delegated authority;

4.6(d) Providing unauthorized access to the user's account, or providing the means to do so;

4.6(e) Intercepting or altering data transmitted via technology resources;

- 4.6(f) Reproducing or distributing copyrighted materials without permission of the copyright holder;
- 4.6(g) Violating terms of applicable software licensing agreement, including installing software without a license to do so;
- 4.6(h) Downloading, using or distributing software for which the copyright owner has not given license;
- 4.6(i) Installing software that is not supported by and/or without the authority of the City's Information Technology Department;
- 4.6(j) Introducing worms or viruses or other code with destructive properties to City technology resources;
- 4.6(k) Unauthorized sharing of passwords;
- 4.6(l) Unauthorized use of or access to City technology resources;
- 4.6(m) Using the City's network to gain unauthorized access to any computer system;
- 4.6(n) Moving computer equipment, including all hardware and software components;
- 4.6(o) Connecting unauthorized equipment to The City's network;
- 4.6(p) Attempting to circumvent City technology resources protection schemes or uncovering and failing to report security loopholes;
- 4.6(q) Activities that will interfere with the normal operation of City technology resources computers, terminals, peripherals, and inter-connected public data/voice networks, etc.;
- 4.6(r) Installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network;
- 4.6(s) Deliberately wasting or overloading City technology resources;
- 4.6(t) Modifying data files for which a user is not the responsible data source;
- 4.6(u) Accessing technology resources that an employee has not been specifically authorized to use;

4.6(v) Accessing or copying another employee's electronic mail, data, programs, or other files without permission of the mail or data owner;

4.6(w) Unauthorized use, or infringement, or theft of data, equipment, or tangible or intangible property, or any intellectual property rights thereto;

4.6(x) Modifying the permissions and authorizations on a computer workstation;

4.6(y) Modifying a computer workstation configuration including but not limited to installed software, computer settings and anti-virus and security controls.

5.0 Responsibilities related to technology resources

The City has methods and mechanisms in place that monitor and record all Internet and e-mail use, as well as files stored on shared and personal server directories and local disk drives, and The City reserves the right to monitor and record at any time. No technology resource user should have any expectation of privacy as to his or her technology resources use. Technology resources use, including but not limited to, Internet and e-mail activity, may be reviewed.

5.1 Managers and supervisors are responsible for:

5.1(a) Making employees aware of the Acceptable Use of City Technology Resources Policy;

5.1(b) Providing technology resource users with access to necessary training to use technology resources efficiently and effectively;

5.1(c) Informing senior management of any breach of this policy;

5.1(d) Taking appropriate action, as defined in the Acceptable Use of City Technology Resources Policy – Management Guidelines (Attachment 1), with respect to any breach of this policy.

5.2 Technology resource users are responsible for:

5.2(a) Adhering to the Acceptable Use of City Technology Resources Policy;

5.2(b) Becoming as proficient in the use of technology resources that are provided, as is necessary to fulfill work responsibilities;

5.2(c) Promptly advising managers and supervisors if any inappropriate or improper message or material is received.

6.0 Misconduct and consequences

Any use of The City's technology resources that breaches this policy will be treated as misconduct.

Misconduct will be reviewed and may result in disciplinary steps being taken against the technology resource user, up to and including dismissal from employment, seeking restitution, commencement of civil action, criminal prosecution or any combination thereof.

Mobile Device Policy

Introduction

This document sets forth The City of Chicopee's ("City") policy regarding City-issued mobile devices including mobile phones (i.e., iPhone, Galaxy, Nokia, Blackberry, etc.), tablet computers (i.e., iPads, Android, Galaxy, Surface, etc.), and related service plans. Services may include but are not limited to e-mail, text messaging, Internet access, and multi-media capabilities. Employees issued mobile devices are responsible for complying with this policy, the Acceptable Use of Technology Resources policy, and all other related City policies.

Mobile Device Issuance

The issuance of a mobile device must be approved with justification by the appropriate Department Head. The Department Head shall also be responsible for determining the employee's service plan needs (Basic plan, Texting, Email, Internet, etc).

Mobile devices are subject to approval by the IT Director and must be purchased through the IT department. Mobile phones as well as service plans for all mobile devices are limited to those available per agreement with the City's cellular service provider. A mobile phone will be issued to a City employee if job responsibilities require the employee to be away from his/her office for extended periods of time and communication is necessary, or if job needs demand immediate access to an employee during or outside of normal business hours.

A tablet will be issued to a City employee if job responsibilities require the employee to have mobile computing and a tablet is determined to be the most cost effective and appropriate option.

Mobile Device Access

Because of security limitations with mobile devices, access to the City's network via City-issued mobile devices is limited to wireless access, as available, to the Internet including web-based City resources. Access to network file and print services and non-web based software or database systems is not available. The IT department does not support nor

does the City provide cellular service or network access for personally-owned mobile devices.

Mobile Device Usage

Mobile devices provided by the City are the property of the City and are to be used to conduct City business.

Employee responsibility for use of City-owned mobile devices include:

- Protecting the mobile device from theft, loss or damage.
- Activating password protection if available.
- Immediately reporting loss or theft to supervisor or department head and to the IT department.
- As mobile devices are not secure, using discretion with sensitive/confidential data storage and communications including e-mail and calling.
- Immediately returning the mobile device to his/her supervisor or department head if it is determined that the mobile device is no longer necessary, or upon leaving City employment.

The City strongly encourages employees to set an idle timeout to automatically lock the mobile device after a period of time and to enroll the device in “Find my iPad”, “Find my iPhone” or similar service to help locate the device if misplaced.

The City reserves the right to implement security capabilities (e.g., remote wipe) and to monitor the use of all City-issued mobile devices. Mobile device use in violation of this policy, the Acceptable Use of Technology Resources policy, or other City policies is subject to disciplinary action up to and including termination of employment. Use of mobile devices in violation of any local, state, or federal law is subject to prosecution. The City reserves the right to cancel mobile device service of any City employee for any reason including but not limited to violation of this policy, abuse of mobile device privileges, or for department budgetary constraints.

Personal Use of City Mobile Devices

Employees shall recognize that City-issued mobile devices and the services upon which they operate are the sole property of the City of Chicopee and that the City may incur costs for all use of such services. City-issued mobile devices are provided for work-related activities. While it is understood that occasional personal communications or calls of short duration may be necessary, employees are expected to exercise prudent judgment in keeping personal communications and calling to a minimum. Detailed billing and usage statements and any other records related to City-issued mobile device usage are the property of the City of Chicopee and are subject to public records requests. Therefore, any employee using a City-issued mobile device shall have no expectation of privacy relating to such usage.

Additional Charges

Service charges are incurred by the City for the use of optional services such as directory assistance, direct connection by directory assistance, busy signal confirmations, and emergency interrupts. As such, the use of these optional services on mobile devices shall be done with prior approval and shall be restricted for work-related purposes only. Even when approved, these services should be used only when absolutely necessary. Any unauthorized use of optional services may be charged back to the employee. The employee is responsible for knowing the services included in his/her mobile device plan.

Multimedia

Employees may use multimedia applications on mobile devices for work related purposes only and if available through the service plan. Any personal usage of such applications on a City-issued mobile device is prohibited and may be charged back to the employee and/or result in disciplinary action.

Any data stored or recorded by a City-issued mobile device is the sole property of the City. Any unauthorized distribution, publishing or other dissemination of this data may result in disciplinary action.

Driving with Mobile Devices

Employees shall refrain from using their mobile device, particularly a mobile phone, to text, receive or place calls, surf the web, email or instant message or to take pictures or video while driving a vehicle. Employees may place or receive calls only with the use of an approved hands-free device and in accordance with applicable laws. Employees who are charged with traffic violations resulting from the use of their City-issued mobile devices while driving will be solely responsible for all liabilities that result from such actions.

FMLA / SNLA Notification**Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption
- or foster care;
- to care for the employee's spouse, son, daughter or parent, who has
- a serious health condition; or
- for a serious health condition that makes the employee unable to
- perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or
- (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

Small Necessities Leave Act

MASSACHUSETTS GENERAL LAW (M.G.L) CHAPTER 149, SECTION 52D

The Small Necessities Leave Act permits eligible employees to take up to a total of 24 hours of leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The legislated effective date of this act is August 4, 1998.

The Small Necessities Leave Act permits an employee leave for the following purposes:

To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;

To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and

To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours of leave available under this benefit are in addition to the 12 weeks of leave provided for under the federal Family and Medical Leave Act. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave of absence. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employee's appropriate collective bargaining agreement. A department may require that written certification or documentation support a request for leave under this act.

Conflict of Interest Law

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

II. On-the-job restrictions.

(a) **Bribes**. Asking for and taking bribes is prohibited.
(See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation: A town administrator accepts reduced rental payments from developers.

Example of violation: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions. There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions, and is considering creating additional exemptions, permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Other exemptions are listed on the Commission's website.

Example where there is no violation: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation: A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation: A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting

property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation: An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))
Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))
A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example: A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)
Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent

includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the

school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an “inside track” to further financial opportunities.

Example of violation: Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation: A selectman buys a surplus truck from the town DPW.

Example of violation: A full-time secretary for the board of health wants to have a second job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation: A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission’s Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example: While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example: A former town counsel joins a law firm as a partner. Because she litigated a

lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

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This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, www.mass.gov/ethics, contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

**THIS PAGE TO BE SIGNED AND RETURNED TO HUMAN RESOURCES
AND KEPT ON FILE INDEFINITELY**

I have received copies of the City of Chicopee's Sexual Harassment, Smoking, Technology Usage, FMLA/SNLA Notification, Mobile Device, Enrollment Status, Workplace Conduct Guidelines and Workplace Violence policies, copy of the summary of the Conflict of Interest Law for Municipal Employees (268A), and information regarding the Family Medical Leave Act and have read and reviewed them. I understand that the Human Resources Department is available to answer any questions that may arise in the future regarding these and other policies. I understand that these policies are subject to change.

Printed Name:

Employee Name

Date

Signature:

Employee Name

Date

Please detach and return this form to Human Resources as soon as possible.